

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>07-146</u>
v.	:	DATE FILED: <u>3/20/07</u>
KEITH SCUTCHING	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy to make
	:	false statements to a federal firearms
	:	dealer - 1 count)
	:	18 U.S.C. § 924(a)(1)(A) (making false
	:	statements to a federal firearms
	:	dealer - 1 count)
	:	18 U.S.C. § 922(g)(1) (convicted felon in
	:	possession of a firearm - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. C&C Sports Center, located [REDACTED] in Philadelphia, Pennsylvania, in the Eastern District of Pennsylvania, possessed a federal firearms license (“FFL”) and was authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person

seeking to purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his answers on Form 4473 are true and correct. Question 12a of Form 4473 asks the prospective purchaser if he or she is the actual buyer of the firearm(s) listed on the form. Question 12a explains that “You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person.” The prospective purchaser also must certify that he or she understands that “... answering ‘yes’ to question 12a when I am not the actual buyer of the firearm is a crime punishable as a felony.”

4. A person who purchases a firearm for another person and falsely completes the Form 4473 is known as a "straw purchaser." Acting as a straw purchaser is referred to as “lying and buying.”

5. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the buyer’s home address and date of birth.

6. The FFL maintains the records to ensure that the person was not prohibited from purchasing a firearm.

7. Convicted felons were persons prohibited by law from buying firearms.

8. Defendant KEITH SCUTCHING was a convicted felon, who was prohibited by law from buying firearms.

9. On or about June 14, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

KEITH SCUTCHING,

in connection with the acquisition of each of the firearms listed below from C & C Sports Center,

Philadelphia, PA, conspired and agreed with D. H., a person known to the grand jury who is charged elsewhere, to commit an offense against the United States, that is to knowingly make a false statement with respect to the information required to be kept in the records of a federally licensed firearms dealer, specifically, the identity of the actual buyer of firearms, in violation of Title 18, United States Code, Section 924(a)(1)(A).

MANNER AND MEANS

It was part of the conspiracy that:

8. Defendant KEITH SCUTCHING, who is prohibited from purchasing firearms, paid D. H. to purchase three firearms.

9. At the direction of defendant KEITH SCUTCHING, D. H. went to C & C Sports Center and falsely represented on an ATF Form 4473 that he was purchasing three firearms for himself, when, in fact, he was purchasing them for defendant SCUTCHING.

OVERT ACTS

In furtherance of the conspiracy, defendant KEITH SCUTCHING and D. H. committed the following overt acts, among others, in the Eastern District of Pennsylvania:

On or about January 14, 2004:

1. Defendant KEITH SCUTCHING offered D. H. money to purchase three firearms for him.

2. Defendant KEITH SCUTCHING drove D. H. to C & C Sports Center, gave him money, and instructed him to buy three firearms.

3. When D. H. attempted to purchase the firearms as directed, D. H. realized that defendant SCUTCHING did not give him enough money. D. H. then left the store and

defendant SCUTCHING gave D. H. additional money.

4. D. H. returned to C &C Sports Center and falsely represented on ATF Form 4473 that he was the actual buyer of the firearms and purchased the following three firearms: Hi Point, Model JHP .45 caliber semiautomatic pistol, serial number X418622; Hi Point, Model JCP .40 caliber semiautomatic pistol, serial number X711328; and Hi Point, Model JCP .40 caliber semiautomatic pistol, serial number X7113287.

5. After D. H. left C &C Sports Center with the newly purchased guns, defendant KEITH SCUTCHING took the firearms from him.

6. To evade detention by law enforcement, defendant KEITH SCUTCHING removed the serial numbers from the firearms D. H. had purchased for him.

In or about January 2004:

7. Defendant KEITH SCUTCHING sold the firearms.

8. Defendant KEITH SCUTCHING paid D. H. \$250 for buying the firearms.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 6, of Count One are incorporated here.
2. On or about January 14, 2004, in the Eastern District of Pennsylvania,
defendant

KEITH SCUTCHING,

in connection with the acquisition of each of the firearms listed below from C & C Sports Center, an FFL holder, located in Philadelphia, PA, knowingly aided and abetted and willfully caused the making of a false statement and representation with respect to information required by the provisions of Chapter 44 to be kept in the FFL holders' records, in that, at the direction of defendant KEITH SCUTCHING, D. H., a person known to the grand jury who is charged elsewhere, certified on an ATF Form 4473, Firearms Transaction Record, that he was the actual buyer of the firearms listed below, when, in fact, as defendant SCUTCHING knew, those statements and representations were false and fictitious.

Date	FFL Location	Firearm	Serial Number
June 14, 2004	C&C Sports Center Philadelphia, Pa.	Hi Point, Model JHP .45 caliber semiautomatic pistol	X418622
		Hi Point, Model JCP .40 caliber semiautomatic pistol	X711328
		Hi Point, Model JCP .40 caliber semiautomatic pistol	X7113287

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

COUNT THREE

THE GRAND JURY CHARGES THAT:

On or about June 14, 2004, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

KEITH SCUTCHING,

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Hi Point, Model JHP .45 caliber semiautomatic pistol, serial number X418622; a Hi Point, Model JCP .40 caliber semiautomatic pistol, serial number X711328; and a Hi Point, Model JCP .40 caliber semiautomatic pistol, serial number X7113287.

In violation of Title 18, United States Code, Section 922(g)(1).

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT: _____

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A) and 922(g)(1) set forth in this indictment, defendant

KEITH SCUTCHING

shall forfeit to the United States of America, the firearms involved in the commission of these offenses, including, but not limited to: a Hi Point, Model JHP .45 caliber pistol, serial number X418622; a Hi Point, Model JCP .40 caliber pistol, serial number X711328; and a Hi Point, Model JCP .40 caliber pistol, serial number X711327.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney